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INTELLECTUAL PROPERTY LAW

To:	U.S. Patent & Trademark Office	From:	Ronald E. Smith
Attn:	William C. Jung - Art Unit 3737	Client:	1139.23
Fax:	(703) 872-9302	Pages:	32 including coversheet
Phone:	(571) 272-4739	Date:	November 24, 2004
Re:	USSN 10/065,704	CC:	John S. Fisher, M.D.

☐ Urgent ☒ For Review ☐ Please Comment ☐ Please Reply ☐ Please Recycle

Dear Examiner Jung:

In response to the non-final office action mailed December 30, 2004, we enclose the following:

- 1) Amendment Transmittal with Certificate of Facsimile Transmission under 37 CFR 1.8(a) dated January 26, 2005 (2 pages); and
- 2) Amendment A with Certificate of Facsimile Transmission under 37 CFR 1.8(a) dated January 26, 2005 (29 pages).

Very respectfully,

Ronald E. Smith
Reg. No. 28,761

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 10/065,704 Confirmation No.: 4253
Applicant: : John S. Fisher
Frederick Ahari
Filed: : 11/12/2002
Art Unit : 3737
Examiner : William C. Jung

Docket No. : 1139.23
Customer No. : 21901
For : Bioabsorbable Marker Having External Anchoring Means

Faxed to Technology Center 3700 at (703) 872-9302
Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

AMENDMENT TRANSMITTAL

1. Transmitted herewith is an amendment for this application.

STATUS

2. Applicant is an independent inventor. A statement was already filed.

EXTENSION OF TERM

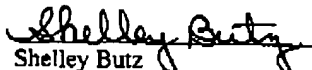
3. The proceedings herein are for a patent application and the provisions of 37 C.F.R. 1.136 apply. Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.

CERTIFICATE OF FACSIMILE TRANSMISSION

(37 C.F.R. 1.8 (a))

I HEREBY CERTIFY that this Amendment A, including Amendments to the Claims and Remarks, is being transmitted by facsimile to the United States Patent and Trademark Office, Art Unit 3737, Attn: Mr. William C. Jung, (703) 872-9302, on January 26, 2005.

Dated: January 26, 2005


Shelley Butz

(Amendment Transmittal—page 1)

FEE FOR CLAIMS

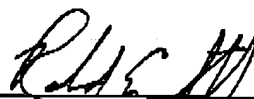
4. The fee for claims (37 C.F.R. 1.16(b)-(d)) has been calculated as shown below:

	(Col.1)		(Col.2)	(Col.3)	SMALL ENTITY	
	Claims Remaining After Amendment		Highest No. Previously Paid For	Present Extra	Rate	Addit. Fee
Total	79	Minus	84	= 0	x \$9 =	\$0
Indep.	20	Minus	20	= 0	x \$44 =	\$0
First Presentation of Multiple Dependent Claim					+ \$150 =	\$0
Total					Addit. Fee	\$0

- * If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3,
 - ** If the "Highest No. Previously Paid For" IN THIS SPACE (Column 2, Row 1) is less than 20, enter "20".
 - *** If the "Highest No. Previously Paid For" IN THIS SPACE (Column 2, Row 2) is less than 3, enter "3".
- The "Highest No. Previously Paid For" (Total or Indep.) is the highest number found in the appropriate box in Col. 1 of a prior amendment or the number of claims originally filed.

No additional fee for claims is required.

Very respectfully,



SIGNATURE OF PRACTITIONER

Reg. No. 28,761
Tel. No.: (727) 507-8558

Ronald E. Smith
Smith & Hopen, P.A.
15950 Bay Vista Drive, Ste. 220
Clearwater, FL 33760

(Amendment Transmittal—page 2)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 10/065,704 Confirmation No.: 4253
Applicants: : John S. Fisher
: Frederick Ahari
Filed: : 11/12/2002
TC/A.U. : 3737
Examiner : William C. Jung

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Docket No. : 1139.23
Customer No. : 21,901
For : Bioabsorbable Marker Having External Anchoring Means

Faxed to Technology Center 3700 at (703) 872-9302
Mail Stop Amendment
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

AMENDMENT A

Introductory Comments

Sir:

In response to the Examiner's Action mailed 12/30/2004, having a shortened statutory period for response set to expire 03/30/2005, the above-identified patent application is amended a first time as follows:

Amendments to the Claims are reflected in the listing of claims that begins on page 2 of this paper.

Remarks begin on page 22 of this paper.